

From: [Sheldrake, Sean](#)
To: ["BAYUK Dana"](#)
Cc: [Lance Peterson \(PetersonLE@cdmsmith.com\)](#); [LACEY David](#); [MCCLINCY Matt](#); [GREENFIELD Sarah](#); [Eva DeMaria \(DeMaria.Eva@epa.gov\)](#); [Chu Rebecca](#)
Bcc: [Zhen, Davis](#)
Subject: RE: gasco BOD workplan comment set waste handling questions (sf3)
Date: Friday, October 13, 2017 8:59:00 AM

Dana, I'll ask CDM to set that up for us Monday afternoon and invite other EPA folks that may have waste handling issues soon too e.g. Eva perhaps at Arkema....

You also !

S

Here's the current draft comment text that I'll ask Lance to paste into the invitation for easy reference:

Section 4.5 Dredge Sediment Waste Handling and Transport Evaluation, page 44-46: A materials management plan (MMP) should be identified in the Work Plan and incorporated into the remedial design for the Final Project Area. The MMP should include :

- a. Means and methods, including recordkeeping, to demonstrate compliance with substantive requirements of ARARs identified in Table 1 for waste handling work conducted within the Portland Harbor Superfund Site
- b. Means and methods, including recordkeeping, to demonstrate compliance with substantive and administrative requirements of applicable Federal, state and local laws and regulations for work conducted offsite, including transload, transport, and waste disposal outside of the Portland Harbor Superfund Site
- c. Organizational structure of waste management activities
- d. Dredge sediment characterization and classification approach for offsite transport and disposal, including determination of whether the dredged sediment contains RCRA listed or characteristic hazardous waste, Toxic Substance Control Act (TSCA) waste, and/or State of Oregon listed hazardous waste. Discussion of the means and methods for classification including procedures for requesting any required approvals from DEQ, such as "contained in" determinations, should be presented. The approach proposed shall demonstrate compliance with substantive and administrative requirements of applicable Federal, state and local laws and regulations for transport and waste disposal outside of the Portland Harbor Superfund Site. Pertinent information developed as part of Waste Disposal Classification Evaluation as described in Section 4.6 (and as modified by comments provided herein) shall be included.
- e. Other activities associated with handling, transport, and disposal of waste, which have been described in the Work Plan and not specifically identified in this comment.

Section 4.6.2 Material Disposal Testing Evaluations, pages 47-49: The discussion implies that F-listed hazardous waste is identified based on contaminant concentrations. However, per RCRA, F-listed hazardous waste is identified based on the wastes originating from non-specific sources. The process of identifying F-listed wastes needs to be revised to conform with the substantive requirements of RCRA as indicated at 40 Code of Federal Regulations (CFR) 262.11(a through c).

Section 4.6.3 Dredge Material Testing Framework, page 49: The discussion implies that toxic contaminant leaching protocol (TCLP) sampling will be the primary differentiator for determination of material classifications. However, this process does not address all ARAR-related considerations for waste classification. For instance, extremely high pH (which could occur from excessive quicklime treatment) could result in characteristic hazardous waste. Another example is F-listed waste, which stays listed regardless of TCLP concentrations except under specific circumstances. The testing framework should be reviewed and revised to account for all waste characterization requirements under ARARs and disposal facility waste acceptance requirements and applicable Federal, State, and local regulations and requirements offsite. Dredge sediment characterization and classification should include determination of whether the dredged sediment contains RCRA listed or characteristic hazardous waste, TSCA waste, and/or State of Oregon listed hazardous waste. Discussion of the means and methods for classification including procedures for requesting any required approvals from DEQ, such as "contained in" determinations, should be discussed.

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-----Original Message-----

From: BAYUK Dana [mailto:Dana.BAYUK@state.or.us]
Sent: Friday, October 13, 2017 8:51 AM
To: Sheldrake, Sean <sheldrake.sean@epa.gov>
Cc: Lance Peterson (PetersonLE@cdmsmith.com) <PetersonLE@cdmsmith.com>; LACEY David <david.j.lacey@state.or.us>; MCCLINCY Matt <matt.mcclincy@state.or.us>; GREENFIELD Sarah <sarah.greenfield@state.or.us>
Subject: RE: gasco BOD workplan comment set waste handling questions (sf2)

Hey Sean.

Today doesn't work, but after 1p Monday, and 930-1030a Tuesday works. We'd prefer Monday afternoon as everyone has more time flexibility.

Can we schedule a call for 130-230p next Monday (10/16)?

Thanks and hope your morning is going well.

Dana

Mr. Dana Bayuk

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-----Original Message-----

From: Sheldrake, Sean [<mailto:sheldrake.sean@epa.gov>]

Sent: Friday, October 13, 2017 8:41 AM

To: BAYUK Dana

Cc: Lance Peterson (PetersonLE@cdmsmith.com); LACEY David; MCCLINCY Matt; GREENFIELD Sarah

Subject: RE: gasco BOD workplan comment set waste handling questions (sf2)

Hi Dana, I have time this morning, all day Monday, 930-1030 Tuesday if any of those work?

S

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-----Original Message-----

From: BAYUK Dana [<mailto:Dana.BAYUK@state.or.us>]

Sent: Friday, October 13, 2017 8:36 AM

To: Sheldrake, Sean <sheldrake.sean@epa.gov>

Cc: Lance Peterson (PetersonLE@cdmsmith.com) <PetersonLE@cdmsmith.com>; LACEY David <david.j.lacey@state.or.us>; MCCLINCY Matt <matt.mcclincy@state.or.us>; GREENFIELD Sarah <sarah.greenfield@state.or.us>

Subject: RE: gasco BOD workplan comment set waste handling questions (sf2)

Morning Sean.

I was wondering about the status of the "contained-in" determination you were considering for the Gasco SMA. Your e-mail raised a lot of interest here about the information EPA has available. Raising the contained-in question for d/f in sediments potentially has implications for the sites

upland of the SMA.

We'd like to follow-up your e-mails, preferably by phone. Call would involve Sarah, Matt, Dave, and I. Let us know when a call works best for you.

Thanks,

Dana

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-----Original Message-----

From: Sheldrake, Sean [<mailto:sheldrake.sean@epa.gov>]

Sent: Thursday, October 05, 2017 9:57 AM

To: BAYUK Dana

Cc: Lance Peterson (PetersonLE@cdmsmith.com); LACEY David; MCCLINCY Matt; GREENFIELD Sarah

Subject: RE: gasco BOD workplan comment set waste handling questions (sf2)

Thanks Dana. I think some of the issue with d/f is that we're privy to information from the PRP search that suggests whatever d/f we find in front of Gasco is in fact from RP (or overwhelmingly from RP, barring new information)--thus we're thinking we need a contained in for that area to determine down to what concentration DEQ would like us to apply the F waste code for materials above the RAL we seek to remove from the river and dispose of, assuming we vouch for it being sourced.

Does that make sense?

CC'ing a few others just in case they have thoughts as well since this overlaps into other project areas of course.

You too.

S

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-----Original Message-----

From: BAYUK Dana [<mailto:Dana.BAYUK@state.or.us>]
Sent: Thursday, October 05, 2017 9:36 AM
To: Sheldrake, Sean <sheldrake.sean@epa.gov>
Cc: Lance Peterson (PetersonLE@cdmsmith.com) <PetersonLE@cdmsmith.com>
Subject: RE: gasco BOD workplan comment set waste handling questions (sf)

Morning Sean.

I was out in the field most of yesterday, so am just now going through e-mail.

My thoughts are inserted immediately below your proposed notes to comments as right-indented unbold italics. They are general and could prompt more questions. I'm available to discuss our feedback, your notes, and the comments further if needed. I can also take a look at the comments revised per your notes.

I also have a question...excerpts of the waste determination approach in the AOC/SOW are included in the work plan. I understand from the comments set that for project planning and design are we revisiting and revising the material management approach to reflect currently available information and the ROD. Is this correct?

Thanks and have a good day.

Dana

From: Sheldrake, Sean [sheldrake.sean@epa.gov]
Sent: Wednesday, October 04, 2017 12:39 PM
To: BAYUK Dana
Cc: Lance Peterson (PetersonLE@cdmsmith.com)
Subject: gasco BOD workplan comment set waste handling questions (sf)

Hi Dana,

I just wanted to let you know we're thinking of adding a couple notes to the comments below in the comment set and wanted to see if DEQ had any objections/changes?

Thank you and hope you're enjoying some sunshine today like we are up in Seattle.

19. Section 4.5 Dredge Sediment Waste Handling and Transport Evaluation, page 44-46: A materials management plan (MMP) should be identified in the Work Plan and incorporated into the remedial design for the Final Project Area. The MMP should include:

- a. Means and methods, including recordkeeping, to demonstrate compliance with substantive requirements of ARARs identified in Table 1 for waste handling work conducted within the Portland Harbor Superfund Site
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- d. Other activities associated with handling, transport, and disposal of waste, which have been described in the Basis of Design (BOD) and not specifically identified in this comment

Thinking of adding a contained in determination here to address Siltronic's allegations that d/f in this area is listed (but then they also cast doubt on what process it came from) I wouldn't recommend that a contained-in determination for d/f be done based only on Siltronic's assertions. I understand that contained-in determinations are done when you know the specific source of the contamination, and you know the contamination results from the release of a listed hazardous waste. This is case with Siltronic's cVOC releases in the uplands and to the river. I'm not aware of this information being available for d/f in Gasco SMA sediments.

Section 4.6.2 Material Disposal Testing Evaluations, pages 47-49: The discussion implies that F-listed hazardous waste is identified based on contaminant concentrations. However, per Resource Conservation Recovery Act (RCRA) F-listed hazardous waste is identified based on the wastes originating from non-specific sources. The process of identifying F-listed wastes needs to be revised to conform with the substantive requirements of RCRA as indicated at 40 Code of Federal Regulations (CFR) 261.

For this one we'll probably add more detail on what cfr261 entails and how that satisfies a contained in determination.

Additional clarification is a good idea too avoid misunderstandings regarding CFR261 and managing contaminated "environmental media."

26. Section 4.6.3 Dredge Material Testing Framework, page 49: The discussion implies that toxic contaminant leaching protocol (TCLP) sampling will be the primary differentiator for determination of material classifications. However, this process does not address all ARAR-related considerations for waste classification. For instance, extremely high pH (which could occur from excessive quicklime treatment) could result in characteristic hazardous waste. Another example is F-listed waste, which stays listed regardless of TCLP concentrations except under specific circumstances. The testing framework should be revised to account for all waste characterization requirements under ARARs

and disposal facility waste acceptance requirements.

Thinking of adding a more explicit contained in aspect to this comment.

Agree again that clarification is needed to avoid misunderstandings going forward.

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